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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,313	08/15/2001	Samuel Wharton Lessin	21822-005C	3530

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NEW YORK, NY 10017

EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/930,313

Applicant(s)

LESSIN, SAMUEL WHARTON

Examiner

Jocelyn Greimel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-17, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 30, 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's Amendments and Remarks filed 19 December 2006.

Status of Claims

2. Claims 1-6, 8-17, 30 and 32 are currently pending. Claims 1, 30 and 32 are currently amended. Claims 7, 18-29, 31 and 33-36 have been canceled. Claims 1, 30 and 32 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3, 5-6, 8-17, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mottola et al (US Patent No. 5,809,484, hereinafter Mottola).**
In reference to claims 1, 30 and 32, Mottola discloses a method, computer readable media and system for providing funding to an individual by one or more potential investors comprising: communicating a request for funding for an individual by an

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investor; associating said request for funding with a of a share, wherein a purchaser of the share receives an economic return comprising a percentage of the individual's income; and purchasing the share by at least one of said potential investors at a purchase price, wherein at least a portion of said purchase price is forwarded to said individual as funding (col. 3, lines 25-58; col. 5, lines 58-67; col. 6, lines 1-29; col. 8, lines 50-67; col. 9-10; col. 11, lines 20-64; col. 13, lines 7-42).

5. In reference to claim 3, Mottola discloses a method of providing funding to an individual by an investor wherein: said highest purchase price comprises a monetary amount equal to at least the cost of the share.

6. In reference to claims 5-6, Mottola discloses a method of providing funding to an individual by an investor wherein: the individual's income comprises the individual's potential future income; and the percentage of the income is variable (col. 9, lines 65-67; col. 10, lines 1-36).

7. In reference to claim 8, Mottola discloses the method wherein the funding request comprises at least one of college tuition, forming a business and/or developing an idea (col. 3, lines 25-58).

8. In reference to claims 9 and 10, Mottola discloses the method wherein said funding request is associated with a plurality of shares, each share being associated with a certain portion or an equal portion of the funding and a portion of the percentage of the individual's future income (col. 9, lines 1-65).

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9. In reference to claims 11-13, Mottola discloses the method wherein the percentage is greater than zero and less than about fifty; greater than zero and less than about twenty-five; greater than zero and less than about ten (col. 10, lines 10-36).

10. In reference to claims 14-17, Mottola discloses: wherein the purchaser comprising a purchasing group of a plurality of individual purchasers; wherein the percentage return is directed toward a second entity apart from said purchaser; wherein the second entity is a charitable organization; wherein the second entity is a non-profit organization (col. 3, lines 25-58; col. 10, lines 46-59).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mottola in view of Official Notice. In reference to claims 2 and 4, Mottola discloses a method, computer readable media and system for providing funding to an individual by one or more potential investors. However, Mottola does not disclose:

- a. **Wherein offering the shares for sale comprises auctioning the share, and wherein purchasing the share comprises submitting a highest purchase price.**
- b. **Wherein the purchase price comprises the cost of the share and a mentoring capability of the purchaser.**

However, the Examiner takes Official Notice that auctioning shares is old and well known in the financial world, computer/data processing arts, and the online finance environment. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the funding method and system of Mottola with the share auctioning processes because the processes would allow the user more flexibility within the purchase system. The Examiner also takes Official Notice that characteristics of the purchaser can affect the purchase price of a stock, as it can be a motivating factor for a purchaser to purchase a certain stock. In support of the Official Notice regarding the purchaser characteristic(s) affecting the stock purchase price,

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Applicant is directed to the St. Petersburg Times article in the Conclusion section, which shows the purchase price of stock being affected by a characteristic of the purchaser (in this scenario, the purchaser is an employee and the purchase price is discounted a certain percentage because of the employee's characteristic [employment status]).

Response to Arguments

Applicant's arguments filed with respect to the rejection of claims 1, 30 and 32 under 35 U.S.C. 112, second paragraph have been fully considered. Applicant's amendments to the claims overcome the rejections.

Applicant's arguments filed with respect to claims 1-17, 30 and 32 under 102 U.S.C. 102(b), have been fully considered but are not persuasive. Therefore, the claims remain rejected (as detailed above) and Applicant's request for allowance is respectfully declined. Specifically, Applicant's argument that Mottola does not disclose "where a request for funding for an individual is communicated to potential investors", please see col. 5, line 48+. In response to applicant's argument that the references fail to show "the individual seeking funding which communicates the request for funding", it is noted that the features upon which applicant relies is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Retailers' Benefits Help Draw Workers*, St. Petersburg Times, Jennifer Goldblatt, St. Petersburg, FL, Feb. 5, 2001, pg. 1 (found on <http://proquest.umi.com>).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

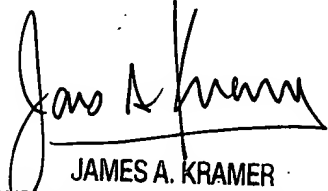
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM

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EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached at (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
March 13, 2007

 3/14/07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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